

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRUCE WILLIAM STANSBURY	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2008-00277
	)	
SHELBY ENERGY COOPERATIVE, INC.	)	
	)	
DEFENDANT	)	

O R D E R

On October 14, 2008, Shelby Energy Cooperative, Inc. ("Shelby Energy") filed a motion to strike Bruce William Stansbury's response to Shelby Energy's answer on grounds that the response was not signed by Mr. Stansbury's attorney of record.

Also on October 14, 2008, Shelby Energy filed a motion to reconsider and amend and/or motion for rehearing of the Commission's September 23, 2008 determination denying confidentiality to a number of documents filed by Complainant as attachments to his original July 7, 2008 complaint. Shelby Energy's motion for reconsideration concerns only pages 1 and 2 of Exhibit A to Complainant's original complaint. These pages contain the names of certain Shelby Energy employees and information that appears to be from their medical records or personnel files.

Having reviewed the motions and being otherwise sufficiently advised, the Commission finds that, pursuant to KRS 278.400, an application for rehearing must be ruled on within 20 days or it is denied by operation of law. To provide an opportunity for

the parties to further develop the evidentiary record on the issue of confidentiality, the Commission finds good cause to grant Shelby Energy's motion for rehearing of our September 23, 2008 denial of confidentiality to pages 1 and 2 of Exhibit A. The Commission further finds that Complainant should file a written response to Shelby Energy's motion to strike and motion to reconsider that portion of the Commission's September 23, 2008 determination denying confidentiality to pages 1 and 2 of Exhibit A. Shelby Energy should also file a reply. The Commission expects both parties to address, at a minimum, the following issues: whether or not the information contained on pages 1 and 2 of Exhibit A was obtained from employees' medical or personnel records and, if not, the sources of that information; whether or not Shelby Energy treats employee medical and personnel records as being confidential and, if so, the procedures in place to ensure confidentiality; and how the Complainant obtained the information on pages 1 and 2 of Exhibit A if the source of the information was Shelby Energy's confidential employee medical or personnel records.

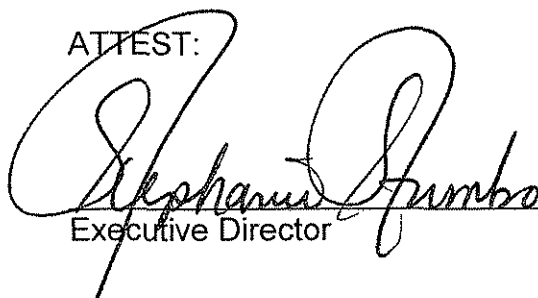
IT IS THEREFORE ORDERED that:

1. Shelby Energy's motion for rehearing is granted.
2. Within 10 days of the date of this Order, Complainant shall submit a written response which addresses Shelby Energy's motion to strike, motion to reconsider the Commission's September 23, 2008 denial of confidentiality, and the issues set forth in the findings above.
3. Within 7 days thereafter, Shelby Energy shall file a reply which addresses Complainant's response and the issues set forth in the findings above.

Done at Frankfort, Kentucky, this 24th day of October, 2008.

By the Commission

ATTEST:

  
Executive Director

Case No. 2008-00277